

**FARMINGTON CITY**  
**PLANNING COMMISSION MEETING**  
July 19, 2018

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**STUDY SESSION**

***Present:** Chair Alex Leeman, Commissioners Kent Hinckley, Roger Child, Connie Deianni, Amy Shumway, Russ Workman, Community Development Director Dave Petersen, Associate City Planner Eric Anderson, and Recording Secretaries Lara Johnson and Tacy Stine. Commissioner Rulon Homer was excused.*

**Item #5. Joe Kennard and Randy Rigby / Forza Terra LLC - Requesting preliminary plat approval, and a recommendation for final PUD master plan approval for the Mountain View Subdivision**

**Eric Anderson** gave a brief history on this subdivision. He said when this property was recently rezoned to R (Residential), it was unprecedented at the time. Up until the point of this property's rezone, there had not been any R or LR zones west of the freeway. He said when the City Council rezoned this property to R, it was like the City Council was saying they were comfortable with the density of the proposed project. He said when the Mountain View Subdivision was heard before the Planning Commission, there were several community members that spoke at the public hearing, and several more at the City Council public hearing. He said the City Council struggled with the approval of the rezone for this property, as it will cause even more impact to 650 W.

**Eric Anderson** said the only difference between this project's preliminary plat and the previously submitted schematic plan that the Planning Commission saw is the removal of two lots. He said the applicant had revised their schematic plan from 34 lots to 32 prior to going before the City Council, which was even less than the 41 lots the applicant first proposed to the Planning Commission.

**Eric Anderson** reminded the Planning Commission that vesting occurs at preliminary plat approval. He said when preliminary plat is approved, it is like telling the applicant that the City is comfortable with the subdivision, and any other steps that occur at final plat is to tweak the subdivision to best make it work. He also reminded the Planning Commission that this project would come before the Commission one more time for final plat approval.

**Russ Workman** asked if this subdivision complies with the zone. **Eric Anderson** said yes, it complies with the zone as a Planned Unit Development (PUD). He explained the applicant previously submitted a Preliminary PUD Master Plan and a rezone for a rezone, both of which were approved by the City Council, but that the "plan" does not have vesting until the preliminary plat has been approved.

**Amy Shumway** asked why the residents were against the previously proposed green space at the trailhead on 250 S. **David Petersen** said the residents did not want additional traffic and parking for the trailhead. He also clarified that the current trailhead will remain as is. **Alex Leeman** also added that the previously proposed green space would have become part of the subdivision's HOA, and the HOA would be responsible to maintain it; however, the subdivision could not access the green space. He said the Commissioners felt that the applicant was just trying to count it towards their green space requirement.

**Item #6. Ken Stuart / Stay Farmington – Requesting a recommendation for approval of the Haight Creek Subdivision schematic plan, the North Station Phase I project master plan and development agreement related thereto**

**Eric Anderson** said this item is reviewing approximately 7.2 acres on the west portion of the applicant's full 88 acres. He provided a brief background of information on this project. He said in late 2016, the property owners of 240 acres north of Station Park were invited to a Charrette with UDA, a design firm out of Pittsburgh. A small area master plan was created as a conceptual plan for the entire 240 acres. One of those property owners was Stay Farmington, as well as many others. **Eric Anderson** said the City recently adopted the small area master plan as part of the City's General Plan. He reminded the Commission that the General Plan is a guiding document that does not grant vesting, but provides consistent guidance for developments in the city at a high planning level.

**Russ Workman** asked if there is vesting rights with the applicant's property being zoned OMU. **Eric Anderson** said yes, each zone has vesting rights. He also pointed out that this agenda item is not for a rezone, as that has been done in the past. **Alex Leeman** pointed out that the City can rezone to increase the rights of the property, but if the property is downzoned, it is considered "taking." **Eric Anderson** said there is a huge amount of discretion granted to cities with a rezone, but once the zone is granted, the applicant can do whatever is allowed within that zone.

**Amy Shumway** said she does not see the proposed trail on the small area master plan. **Eric Anderson** showed the location of the trail, and confirmed that it will eventually connect to the Legacy Trail. **Amy Shumway** asked if it will eventually connect to the Haight Creek, and if the Haight Creek trail will be preserved in its current state. **Ken Stuart** said that there is no easement over the Haight Creek trail. He said there is approximately 310' located on his personal property. He explained that anything that has currently been put in with regards to the Haight Creek has been done illegally, as there is not a prescribed easement over it and the City does not pay taxes on the property. **Eric Anderson** showed the location of the trails on the Regulating Plan and explained that the trails are codified in the Ordinance so they must be included or a zone text amendment would have to take place.

**Alex Leeman** asked for what is being considered for the agenda item for tonight. **Eric Anderson** said there are three parts to the item, but two parts are directly related. He said the project master plan and the development agreement are related, and the other item is the schematic plan. He explained that since the OMU zone does not allow for residential uses within it, Section 140 of Chapter 18 in the Zoning Ordinance allows for deviation to potentially allow for residential. He said the development agreement is a contract between the City and the developer. The applicant's proposed development agreements asks for a few deviations, including the buildings fronting the pedestrian walkway (the Ordinance requires buildings to face the road), the garage in the back of the building, and defining the building height. **Eric Anderson** said since residential use will be a special allowance, the building height has to be determined. He referred to the staff report to show the location of the proposed 3-story buildings.

**Russ Workman** asked what concerns the Planning Commission might hear from the public. **Eric Anderson** said 3 stories is more than what the public wants. He said that he did a measurement from the proposed location building to the nearest house, and it was 235'. **Alex Leeman** said he also anticipates concerns regarding the density since the surrounding area consists of single-family homes on ¼-acre lots. **Connie Deianni** asked if Kaysville city residents were noticed. **Eric Anderson** said the City sends a mailing to all residents within a 300' radius of the property, including residents of other cities.

**Amy Shumway** asked how this project will change when Shepard Lane becomes a major road. **Alex Leeman** said the traffic patterns will drastically shift, and the current Shepard Lane may turn into a quiet cul-de-sac.

**Amy Shumway** said that she feels this project is adjacent to the proposed business park, and that the single-family homes will feel like they are adjacent to high-density housing and office buildings. She asked if there is a medium density housing option to serve as a transition. **Eric Anderson** said that many would argue that what is being proposed is medium density. **David Petersen** said that high-density housing is considered 18-20 units per acre, and what is being proposed is much less.

**Russ Workman** asked how the elevation of the future Shepard Lane interchange will compare to the proposed building heights. **Alex Leeman** said he does not know, but pointed out that the Denver Rio Grande trail is already raised, and that the street level is approximately 6' below it. He said the trail already adds a natural buffer in addition to the proposed buffer.

**Russ Workman** asked if a professional's sense of high density could be different than a residents. **Eric Anderson** said yes, it may be different. He pointed out that what is being proposed is different than what is in the surrounding area; however, this area has always been set aside for the purpose of this type of development. **Russ Workman** asked about the height of an office building for the OMU zone. **Eric Anderson** said on artillery roads, the applicant could go up to 6 stories; local roads is 4 stories.

**Alex Leeman** said standards are not provided for the residential use since residential is excluded from the OMU zone. He said the Planning Commission now has to outline what those standards are for residential. **Eric Anderson** said over a year ago, the developer did an overall project master plan for their 88 acres, and had another agreement. As part of that agreement, it was agreed that the developer can break their property into smaller pieces to allow for the development to come in bit by bit. He said what is being proposed tonight is the first "sub-project master plan."

**David Petersen** said he recently attended a training with the City Council by an expert from the Salt Lake City Chamber's office that talked in depth about the housing shortage that is in Utah's future, and how that could hurt our economy. He said affordable housing helps fuel the economy. He said it is important to educate others about the housing shortage; otherwise, Utah could struggle in the future.

**Item #7. Farmington City – Requesting a recommendation for approval of an amendment to Section 11-18-040 of the Zoning Ordinance regarding the Farmington City Mixed Use District Street Regulating Plan**

**Eric Anderson** said the Regulating Plan is a codified part of the Chapter 18. The Regulating Plan is intended to set the street and block network; if a developer wants to deviate from it, the City has discretion to say if they like the changes. He said the intent of the Regulating Plan is to increase connectivity, keep circulation work through the City, and disperse traffic as much as possible. **Eric Anderson** said in reviewing amendments to the Regulating Plan, it's important to consider if the change conforms to the intent of it.

**Eric Anderson** said the reason the developer is moving forward on the townhomes part first is because Stay Farmington's property is not next to any current roads. The rest of the developer's property, besides for the approximate 7 acres set aside for the townhomes, will be dependent on the future Shepard Lane interchange. He said since no one knows the exact location of that interchange at this point, there is not a lot the developer can do to start development on the rest of his property.

**Russ Workman** asked if there is a way to force mixed use when developments come in one at a time. He asked if it is a “first person gets the best use” sort of thing. **Eric Anderson** said there is no way to force a mix of uses. He said if a property owner follows the ordinance, and the use is allowed, then the property owner can move forward on it. He said that is one of the reasons the City chose not to include residential use within the allowable uses for the OMU zone. The City Council wanted a mixed-use office park, but was afraid if residential was an allowed within the OMU zone, then the entire zone would fill up with residential.

**Russ Workman** asked about what the developer is now proposing, and why he is able to propose residential within the OMU zone. **Eric Anderson** said section 140 of Chapter 18 allows for a developer to deviate from the standards through a contract. He said the development agreement only covers this phase of the development, and does not apply to the rest of the applicant’s property.

**Russ Workman** asked if the City contemplated some kind of percentage of the project they would like to have residential, and once that is used up, residential would no longer been an option to request. **Eric Anderson** said there is no way to regulate what property owners would like to do with their property. **Russ Workman** agreed, and said it would be challenging to enforce because each property owner has varying sizes and expectations, but that it would be nice if the Planning Commission and City Council’s view were that they only wanted 1/3 of the project to be residential. He felt once that 1/3 requirement was met, residential would no longer be an option for developers coming in after the use is exhausted.

**Russ Workman** asked how the density of housing might impact infrastructure. **Eric Anderson** said it is always an issue, as it is first come, first serve. He said if sewer has capacity, then the development can use it; however, if it reaches capacity, the developer has to pay to increase the sewer capacity. He said the Boyer Company built a water line at great expense to develop the Ranches. When other developments came in, a pioneering agreement was in place to help payback infrastructure costs to the Boyer Company.

**Russ Workman** asked if there has been an analysis of how much capacity is used up by this development on the City’s infrastructure. **Eric Anderson** said each development is reviewed by the Development Review Committee (DRC), which is multiple City entities reviewing concerns with the project. He said the Central Davis Sewer District is one of those reviewing entities; if there is any concerns, it will be brought up by the Sewer District. **Eric Anderson** said the City assumes that capacity will have to be added at some time in the future; however, the development window for the entire 240 acres is 15-20 years. He said the City will know when they have reached capacity, and that it is coming. He said in response to the question regarding impact to infrastructure, it is a first come first serve. If capacity is reached, it is up to the next developer to figure it out.

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## REGULAR SESSION

**Present:** Chair Alex Leeman, Commissioners Kent Hinckley, Roger Child, Connie Deianni, Amy Shumway, Russ Workman, Community Development Director Dave Petersen, Associate City Planner Eric Anderson, and Recording Secretaries Lara Johnson and Tacy Stine. Commissioner Rulon Homer was excused.

### Item #1. Minutes

There were no minutes to approve at this time.

## **Item #2. City Council Report**

**Eric Anderson** gave a report from the July 17, 2018 City Council meeting. He said the City Council approved a zone text amendment allowing side-loaded garages to prevent “snout” homes. He said there were five City Council members there to review the Makin Minor Subdivision, and TDR, but Brett Anderson had to recuse himself because he does work on the trust that owns the property. He said the Ordinance requires that not less than 4 City Council members approve a TDR. All 4 Council members voted in favor of the TDR for the Makin Minor Subdivision, and approved the 4 lots as shown and recommended by the Planning Commission. The next item was the Adamson property rezone, which is on the corner of Shirley Rae and Glovers Lane. The applicant was requesting a rezone from AA to A in order to do a lot split. The City Council approved the rezone. The applicant will have to come back before the City Council to get approval of a TDR for one lot. He said the City Council also approved the bridge feasibility study, and a street vacation request. He said there was a lot of discussion about the Benchland water restrictions and a fiber study from Utopia asking if citizens would be on board with getting Utopia; a lot of respondents were in favor of it.

## **SUBDIVISION**

### **Item #3. Alan Cottle – Applicant is requesting final plat approval of the Brownstone PUD Subdivision consisting of 14 lots on .99 acres of property located at approximately SR106 and 200 East in a BR (Business Residential) zone. (S-15-17)**

**Eric Anderson** said this is the final plat in a 3 step subdivision approval process. The first step is the schematic plan, which has a public hearing before the Planning Commission and City Council. The next step is preliminary plat, which is just before the Planning Commission, and is not typically a public hearing unless there’s been significant changes from the previously approved schematic plan. The last step is final plat, which is what is being reviewed tonight. He said it is the last step in the approval process, and is typically when the applicant submits the improvement drawings that show streets, water lines, and where they will be improving the vertical part of the road. He said the Development Review Committee (DRC) has reviewed it and brought up some issues, which have all been resolved.

**Eric Anderson** showed the final plat. He said it is 14 townhomes off of State Route 106, which will be access by 200 E. He said there will be a crash gate onto State Route 106 because UDOT will not allow the road to go out of there. He said the topography is very steep, so the applicant will have to bring in a lot of fill for this road to connect up to 200 E. He said all issues have been addressed, and that what is before the Commission is consistent with the previously approved schematic plan and preliminary plat.

**Alan Cottle**, 1073 E Woodmore Dr., Bountiful, said that he does not think anything has changed from what was previously approved. He said they did move one fire hydrant one foot. He said they had to get access to work out where the storm drain will be, but it has been resolved. He said they worked with UDOT and all of the DRC. He said there were comments, but all have been addressed. He said as far as the plans go, elevations, number of units, green space, landscaping, etc. is all the same.

**Alex Leeman** wanted to know if UDOT would budge at all on allowing the road to go through to State Route 106. **Alan Cottle** said he tried because he would love that, but that UDOT is very territorial

about their road. He said since the road has two bends, UDOT does not want more traffic coming onto it.

**Alex Leeman** mentioned there was one condition that the Commission has previously added, which was taking the curb, gutter, and sidewalk all the way to the corner on 200 East. **Alan Cottle** said he is planning on including it, especially because doing so will create a nicer entrance to the project and creates additional parking. **Connie Deianni** asked if curb, gutter, and sidewalk will be put in on both sides. **Mr. Cottle** said it is already on the other side of the road. **Alex Leeman** stated they want to make sure it goes all the way to the corner of State Street and 200 East.

**Connie Deianni** said it was mentioned that everything has stayed the same. She asked if that also includes the previously proposed elevations. **Alan Cottle** said yes, he submitted the drawings early on. He said there was feedback that stucco may be more of a tired design, so they are going with more hardy board with stone or brick. He said that is the only exterior detail that has changed. **Connie Deianni** said it was previously discussed that there would be a fence or rockery fence on the back of the homes. **Alan Cottle** said there is going to be a low rockery, which is in the landscape plan that has been submitted.

**Alex Leeman** said its pretty consistent with what they'd seen, and thanked Mr. Cottle for his work on it. He said this is the final plat approval, which means it is the last time the Planning Commission will see this item. He said other than the sidewalk issue, he did not see any other significant changes.

**Motion:**

**Connie Deianni** made a motion that the Planning Commission approve the final plat for the Brownstone PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to plat recordation;
2. The applicant shall record an easement in favor of, and approved by, Central Davis Sewer District prior to plat recordation;
3. All driveways must meet the 14% slope requirement as set forth in Section 11-32-060(A)(4), and compliance must be demonstrated for each driveway prior to or concurrent with plat recordation;
4. All outstanding DRC comments shall be addressed prior to plat recordation;
5. Install curb, gutter, and sidewalk on 200 E on the west side.

**Russ Workman** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of a BR (PUD) zone.
2. The proposed development is an in-fill project and allows the property owner the highest and best use of his property.
3. The HOA is intended to maintain the common areas of the project.
4. The proposed plans are consistent with the General Plan.

5. The proposed project is removed from the road and set amidst high intensity uses such as the Monte Vista School, the Davis School District Administration Buildings, and commercial uses like the Chevron Gas Station, the Rock Hotel Dental Offices, etc.

**Item #4. Chase Freebairn / Ivory Homes – Applicant is requesting preliminary plat approval for the Stonebrook Farms Subdivision (formerly Estates at Lund Lane) consisting of 21 lots on 9.93 acres of property located at approximately 200 East and Lund Lane in an LR (Large Residential) zone. (S-2-18)**

**Eric Anderson** said this project is located on the south border of the City and Centerville. He said it is one of the few places where the common boundary with Centerville runs down the middle of the road. He said the project was originally called the Estates on Lund Lane, but have since changed the name to Stonebrook Farms Subdivision. He said the only other difference is that they have removed one lot. He said they removed that lot because there are wetlands located on the property, and it does not look like the applicant will be able to mitigate it. He said the applicant will leave the wetlands as is. He said the other big change is that the applicant is now asking to do a conservation subdivision, which they qualify for based on the Ordinance requirements. He said the applicant had previously negotiated TDRs with the City Manager, which were approved by the City Council at schematic plan. **Eric Anderson** said that now that the applicant is down one lot, the applicant will only need two TDRs, but have still agreed to pay for three. He said the additional lot is going to act as the applicant's open space waiver for the conservation subdivision.

**Eric Anderson** said the reason the applicant is seeking for a conservation subdivision is to allow for variations in the side setbacks. He said in a conventional subdivision in the LR zone, the minimum side setback is 10', with a total of 22'. He said in a conservation subdivision, the side setbacks are 8' and 5'. He said the reason the applicant is seeking for the lower side setbacks is because the homes are designed a little wider.

**Eric Anderson** said the density is going down from what was previously proposed, and that all the open space waivers have been resolved. He said the two big outstanding issues were that the applicant was to obtain a wetland delineation, and that the US Army Corps of Engineers (USACE) approves that prior to final plat, and that there is an interlocal agreement with Centerville City since the majority of the project's storm water will enter Centerville City's system. He said Centerville City's attorney is going to be the one that writes the agreement. He said all other issues have been addressed. He said the City Council already approved the schematic plan, the rezone, and the TDRs/open space waiver. He said staff is recommending approval of this item.

**Connie Deianni** asked what the applicant plans to do with the wetlands that cannot be mitigated. **Eric Anderson** said the applicant will leave it as open space wetlands. He also pointed out that the delineation letter from the USACE is not for the lot, but for the road, as it currently shows wetlands going through the proposed location for the road. He said the applicant needs the delineation approved in order to build the road.

**Chase Freebairn**, 978 E. Wood Oak Ln, Salt Lake City, said he was available for questions.

**Alex Leeman** said the row of houses in between 1675 South and Lund Lane are flanked on the front and back by roads. He said the driveways and frontage are on 1675 S., but he wondered if the applicant will still be doing road improvements on Lund Lane and 200 E. **Chase Freebairn** said yes, they are planning to do curb, gutter, and sidewalk on the rear of all the properties. He said they plan to have an HOA maintain the park strip on the back sides of the homes.

**Alex Leeman** wanted to know how the applicant plans to landscape the park strip. **Chase Freebairn** said they plan to put in sod and street trees. **Alex Leeman** asked the applicant if they finish the yard for new homeowners. **Chase Freebairn** said they typically leave the landscaping up to the homeowner, but that they provide a certificate for 2,000 sq. ft. of sod to the homebuyer. He said since people are very particular with their landscaping, they prefer to leave it up to the homebuyer. He said in the case of a quick build or model home, they will put in the landscaping.

**Alex Leeman** expressed concern that the back side park strip will be forgotten. **Chase Freebairn** said they will landscape the back park strip. **Russ Workman** asked what would happen if the HOA chooses not to pay for the maintenance of it anymore. He asked if there are any requirements within the Ordinance that have to be met to ensure the park strip will be maintained. **Alex Leeman** said the HOA could stop maintaining it because it is private property. He feels the HOA will be inclined to upkeep the park strip if sod and trees have been planned. He suggested adding a condition to the motion regarding the maintenance of the park strip.

**Amy Shumway** said that there is a line of trees on the south side of the row. She feels it would be important for the trees the applicant will be planting on the park strip to match. **Chase Freebairn** said they do a street tree plan and landscaping plan for every project they build. He said they will also include a trex type fencing with grass, trees, and shrubs. **Alex Leeman** said that he would like a condition added to the motion to see the street tree landscaping plan at the next step of the approval process, which is final plat. He also asked about the previously discussed monument sign that was going to be included on the corner of the project. **Chase Freebairn** said they have plans for a "Welcome to Farmington" sign on the southeast corner of 200 E. and Lund Lane, which was included as part of the TDR approval to deed the property to the City for the sign they construct.

**Connie Deianni** asked to revisit the wetlands piece of property. She asked if the applicant will be including a fence around it. **Chase Freebairn** said they have plans to fence off the perimeter of the subdivision, but that there are no plans for a fence around the wetlands property. He said they'll have to landscape the detention basin, but that they will leave the wetlands natural. He said the USACE does not want any additional impact to the wetlands. **Connie Deianni** asked if it will be a hazard to kids, and how wet the property actually gets. **Eric Anderson** said similar wetlands are located all around the City. **David Petersen** said many of the residents do not want to lose their wetlands open space.

**Roger Child** asked what the treatment will be along 200 E, in addition to the corner monument. **Chase Freebairn** said it will be the same as the previously discussed park strip; they will include street trees and sod. **Roger Child** asked if there will be a fence along the sidewalk on the rear side of the homes. **Chase Freebairn** said there will be a perimeter fence that will go along the back of the sidewalk. He said it will be something similar to Farmington Hollow, like a trex fence. He said it will be something low maintenance, and will not be wood or chain link.

**Roger Child** asked about the marketability of a 5' side yard. **Chase Freebairn** said it is a big deal. He gave the example of East Brentwood Estates. He said there were a lot of buyers who were retired, but they wanted a big rambler with a big garage in order to fit their toys. He said he is not worried about the decreased side setback; many people are interested in a bigger home with a smaller yard. He said many of the retirees are wanting to downsize to a home that does not have a large yard to maintain. He said there is a growing market for the wider homes that include a 3-car garage and an RV pad. **Roger Child** asked about the size of the homes. **Chase Freebairn** said it will be up to what the homeowner chooses, but that the estate homes would be larger than about 2,500 sq. ft. on the main

level. **Roger Child** asked about the price point of these homes. **Chase Freebairn** said their market analysis shows high \$500k to low \$600k, depending on upgrades.

**Amy Shumway** said when developments are done, it seems the wetlands can get really filled up with debris from the winds. She said there is quite a bit of construction debris in the wetlands off of Farmington Hollow trail. She asked if cleanup of wetlands is part of finishing a project. **Eric Anderson** said he is not sure what the process is after the construction, but that typically wetlands clean is up to the HOA for the subdivision. She said if an HOA is in violation, the City can enforce a code violation. **Chase Freebairn** said they are subject to SWIFT requirements. He said they have to follow their contract. He said they have a SWIFT manager whose job is to manage storm water and keep dirt from going into the storm drains. He said if it is found that a contractor is dirty, it has to be cleaned up as soon as possible, otherwise they are subject to fines by the EPA. He said right now the property is a farm, and that debris has been collecting on the site for years. He said it is something they take very seriously.

**Connie Deianni** wanted to know if a condition can be added to the motion that states the park strip has to be maintained in perpetuity. **Alex Leeman** said maintaining of the park strip could be added to the HOA bylaws and covenants, but nothing would prevent the HOA from tearing out the sod and replacing it with gravel since it is private property and the City does not restrict how someone chooses to landscape. **David Petersen** said the City does get involved if landscaping is blocking the site distance or has grown over the sidewalk. He said other than that, the City does not regulate park strips. **Alex Leeman** said that he is not particular on landscaping, but was more concerned it would be developed in the first place. He said it does alleviate his concerns a little knowing the park strip will be finished by the developer. **Russ Workman** agreed, he feels the HOA is more likely to maintain it if the developer finishes it.

**Alex Leeman** reminded the Commission that this item is not a public hearing, and that this is an administrative act, which means if the proposal complies with the requirements in the Code, the applicant is entitled to approval. The Commission did not have any further discussion or question.

#### **Motion:**

**Roger Child** made a motion that the Planning Commission approve the preliminary plat for the Stonebrook Farms Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall obtain a wetland delineation, and have that delineation approved by the US Army Corp of Engineers prior to submittal of final plat;
2. Farmington City shall enter into an inter-local agreement with Centerville City related to, among other things, the conveyance of storm water from the subdivision to the Centerville system, improvements to Lund Lane (note: this road straddles the city limit lines of each city), etc. prior to recordation of any approved final plat. The agreement must be recorded against the property;
3. All outstanding comments from the DRC for preliminary plat shall be addressed on preliminary plat;
4. Park Strip will be improved and maintained by the HOA;
5. Landscape plan be submitted at final plat;
6. Include monument on 200 E. and Lund Lane on Final Plat.

**Russ Workman** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed preliminary plat meets the requirements of the subdivision and zoning ordinances for a conservation subdivision in the LR zone.
2. The City Council has already approved a 3-lot TDR transaction for the subdivision, including the final price. Although the applicant is now requesting only a 2-lot TDR, the final cost is not changing.
3. The proposed preliminary plat has lost one unit of density from the approved schematic plan, and the overall lot size is greater than what was initially proposed.
4. The preliminary plat is preserving more open space in the form of wetlands than the approved schematic plan.
5. The proposed development will provide single-family residential developments similar to those of surrounding subdivisions.
6. The proposed conservation subdivision is more consistent with surrounding properties than a conventional subdivision would be in the LR zone.
7. The only difference between an alternative lot size and a conservation subdivision, in the case of this application, is that the applicant would like more flexibility on the side setbacks.
8. It is proposed that Centerville will accept storm water run-off from the project. An inter-local agreement between the two cities will facilitate this and other issues.

**Item #5. Joe Kennard and Randy Rigby / Forza Terra LLC – Applicant is requesting preliminary plat approval, and a recommendation for final PUD master plan approval for the Mountain View Subdivision consisting of 32 lots on 11.68 acres of property located at approximately 650 West 250 South in an R (Residential) zone. (S-12-17)**

**Eric Anderson** showed the aerial view of the property. He said property was once UDOT surplus property, but the applicant has since purchased it. He said there are some additional lots off of 650 W. that that applicant has also purchased. He said earlier this year, the schematic plan of 34 lots, rezone from AE to R, and preliminary PUD master plan was considered. From the time the Planning Commission recommended approval of the schematic plan, the applicant removed 2 additional lots. The City Council did approve the rezone, the schematic plan for now 32 lots, and the preliminary PUD master plan, which included elevations and landscape plans.

**Eric Anderson** said that as part of a PUD, some deviations are allowed from the underlying zone, such as setbacks, lot sizes, lot widths, etc. He said that in order for an applicant to qualify for those deviations, the applicant must provide the City more information than a normal subdivision would require. He showed the PUD master plan, which included the landscape plan and the home types.

**Eric Anderson** said one thing the DRC wanted to address was the detention basins located on Parcel A and Parcel B. He said once concern the City Engineer had was if the detention basins stay under HOA ownership, but they are used as part of the City's storm water system, that could create problems. He said one of the conditions for approval on the suggested motion is to have Parcel A and Parcel B dedicated to the City, but maintained by the HOA. He said doing so would allow the City to own the ground for the detention basins since it is part of the City's storm water system, but the HOA would maintain it since it will serve the storm water for the subdivision.

**Eric Anderson** said all other issues have been addressed, or will be addressed at final plat when all improvement drawings have been submitted. He said staff is recommending approval of this item.

**Connie Deianni** said that she understands the elevation drawings are not to scale, and that they are 2 dimensional drawings. She asked about Elevation 1-B, and about the total percentage a home's frontage can have that is garage. **Eric Anderson** said that requirement is for a conservation subdivision, but that the garages could be recessed. He said that would be an appropriate question for the applicant.

**Russ Workman** said that he was not here when this item was previously discussed, so the question may have been addressed in the past. He asked if there was ever a consideration for a cul-de-sac in lieu of a stubbed road. **Eric Anderson** said by Ordinance, anytime there is a dead-end, the City requires a stubbed road into the adjacent property. He said in this case, the stubbed road is the only way Commissioner **Rulon Homer** could access the back portion of his property in the event he ever chooses to develop. **David Petersen** said this is a common problem in the City. He said there are times when a property owner (or their heirs) wants to gift a lot or subdivide their property. He said once a road is established, or not established, it is difficult to provide access to it after the fact. **Russ Workman** asked if there were concerns with firetrucks going down the stubbed road. **Alex Leeman** said a hammerhead turnaround is typically provided. **Eric Anderson** said there are many examples like this within the City.

**Roger Child** asked what would prevent future negotiations of adjacent property owners with deep parcels to buy the open space Parcels A and B in order to have road frontage to more easily subdivide their properties. **Eric Anderson** said that was a concern that was originally brought up when this subdivision was first proposed. He said the first proposals put the road right in the center with protection strips of open space on either side of the road. He said the Planning Commission pushed to have the road be located on one side or the other. He said the developer did move the road to the south, and left the property to the north to be used as detention basins. He said as far as the access goes, there was never going to be a good solution because the road is not wide enough to fill both sides.

**Alex Leeman** said if the property owner to the north decides to subdivide their property, the property owner now has street frontage. He said it is the City's hope, although there is no way to bind it, if the property owner to the south chooses to subdivide, there is a big incentive to get to that road as well. He said he also liked that the open space is serving a purpose as detention basins, and not just grass. He said the idea would be that if a property owner wants to subdivide, the property owner could swap the back of their lots for road frontage, while still maintaining the detention basins as open space. **Alex Leeman** said they cannot make that happen, but that is the idea and it was better than any other alternatives. **Eric Anderson** said it will also help that the City owns the detention basins rather than the HOA because the City can then say if it will be allowed or not.

**Alex Leeman** said his biggest concern from the beginning was that higher density would be granted in exchange for a certain amount of open space; however, he did not want to give a certain density in exchange for the open space knowing that the open space could easily be removed in the future. He said having the open space serve a function as the detention basins to service the subdivision will more likely keep the open space in perpetuity. **Roger Child** said a property owner could come in the future and negotiate with the City to block it up or reconfigure it. **Alex Leeman** said yes, but that the City could then negotiate a new location for the detention basins to account for the new homes.

**Roger Child** said the developer is putting in all the frontage with no economic benefit as not lots are fronting that street. He asked if there is a payback agreement to put some burden on the future property owners to pay the developer for access to that street since it is a PUD. **David Petersen** said yes, it is called a pioneering agreement the developer could enter in with the City. He said the

pioneering agreement usually lasts 6-10 years, but not much longer than that. He said the developer could recoup some of the costs of the street if the adjacent property owners choose to develop.

**Thomas Hunt**, 5160 S. 1500 W., Riverdale, with Reeve and Associates, said he is representing the developer. He said it has been a long road, but they are excited to move forward. He said he is available for questions.

**Alex Leeman** asked if Parcel D will allow access to the Legacy Trail. **Thomas Hunt** said yes, it will connect to the trail. He said it is currently a storm drain outfall as UDOT is dumping their drainage into that field. He said they are capturing and handling storm water for them, and it passes through Parcel D. **Alex Leeman** asked if it will also be improved and landscaped with a sidewalk. **Thomas Hunt** said yes, it will be.

**Amy Shumway** asked about the black dotted line on 250 S. around the UDOT property on the landscape plan. She said she wondered if that was previously a trail, but if it remained as a mistake. **Eric Anderson** said that was part of the original proposal, but that it has since been removed and should not be part of the landscape plan.

**Alex Leeman** asked the applicant their plans for Parcel C. **Thomas Hunt** said they have discussed many things, but will for sure landscape it with sod and trees. He said for now there will not be any amenities, but will remain as green space.

**Roger Child** asked what the average lot size is for the subdivision now that there is a reduction of 2 lots. **Thomas Hunt** said the average lot size is approximately  $\frac{1}{4}$  acre, although the lots vary in sizes. **Eric Anderson** corrected him stating the preliminary plat states the average lot size is 8,545 sq. ft., which is well below  $\frac{1}{4}$  of an acre.

**Connie Deianni** asked about Elevation 1-B included in the staff report. She states the drawing looks as though the garage space seems to be a lot of the frontage of the home. She said she is not sure what the regulations are, and what the exact dimensions of the elevations, but asked that the City standards will be met for the homes. **Thomas Hunt** said it is difficult to see the dimensions of the home, and how it all lays out, but assured the Commission that they will meet all requirements found in the City Code.

**Alex Leeman** said there are two items before the Commission, the preliminary plat and final PUD master plan. He said the Planning Commission is the approving body on the preliminary plat, and the recommending body on the final PUD master plan. He said the final PUD master plan will go before the City Council for approval on the PUD's deviations from the standards, then the application will return to the Planning Commission for final plat. He said this is the Planning Commission's last review of the PUD. **Alex Leeman** said he reviewed the standards for approving the final PUD master plan, and the only consideration is that it conforms with the preliminary PUD master plan. He said he felt the Planning Commission did a thorough job the first time around, and that the only real change was the reduction of 2 lots on the eastern side where the Commission was previously concerned about the density adjacent to current property owners. He feels what is being proposed is consistent with what was previously approved.

#### **Motion:**

**Connie Deianni** made a motion that the Planning Commission recommend that the Planning Commission this item approve the preliminary plat and recommend that the City Council approve the

final PUD master plan for the Mountain View PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with final plat;
2. The applicant shall either revise their phasing plan to accommodate the City's dead-end street limitation OR build all of the roads at once;
3. The applicant shall provide a soils report prior to or concurrent with final plat review;
4. Prior to or concurrent with final plat, the applicant shall dedicate Parcels A and B to the City, and enter into a development agreement with the City whereby the maintenance of the detention basins will be the responsibility of the HOA;
5. All outstanding comments from the DRC for schematic plan shall be addressed on preliminary plat.

**Roger Child** seconded the motion, which was unanimously tabled.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of an R-PUD zone.
2. The proposed development will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
3. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for low to medium density housing as it is hidden by a row of homes on 650 West, and abuts a major highway facility.
4. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.
5. The attached landscape plan and building elevations are of a high design quality and meet the standards set forth in Section 11-27-070; additionally, the project will provide a connection to Legacy Parkway Trail.
6. The applicant is providing 51,836 s.f. of improved open space, including a trail connection to Legacy Parkway Trail.

**PROJECT MASTER PLAN / SUBDIVISION**

**Item #6. Ken Stuart / Stay Farmington (Public Hearing) – Applicant is requesting a recommendation for approval of the Haight Creek Subdivision schematic plan, the North Station Phase I project master plan and development agreement related thereto, for approximately 9 acres of property located between Haight's Creek, Shepard Lane, the D&RG Trail and I-15 in an OMU (Office Mixed Use) zone. (S-18-18 & PMP-4-17)**

**Eric Anderson** said the applicant, Stay Farmington, previously put together a charrette and hired Urban Design Associates out of Pittsburg to discuss and plan for approximately 280 acres north of Park Lane. He said the applicant owns approximately 88 acres of the total 280 acres. He said the charrette was successful as property owners, the City, and UDA were able to put together a full conceptual plan for the property, which was later adopted by the City as a Small Area Master Plan (SAMP) as an element of the General Plan. **Eric Anderson** said the SAMP does not give an vesting, but does provide a

framework for future guidance for the area. He said what is being discussed tonight is the upper northern area of the Small Area Master Plan.

**Eric Anderson** explained that when the SAMP was adopted, an overall Development Agreement was approved. This Development Agreement allows the applicant to come and develop smaller projects that are more site specific since the project master plan does not allow for development under 25 acres to come in. He said what is being proposed is one of those “sub-project master plans.”

**Eric Anderson** walked through the overall proposed site plan. He showed the location of the proposed two and three story townhomes. He said there is one dedicated road, and the other are more alleyways for the backs of the garages. He said there is only one row of units that is facing the road, and the other units are facing pedestrian walkways or green open space.

**Eric Anderson** said the reason the applicant is having to come in with his proposal under Section 140 of Chapter 18 of the Ordinance is because the OMU zone does not allow for residential uses. He said the reason the City Council zoned the whole area as OMU is because the City Council would like to create a mixed-use office park. There was concern by the Council that if residential was allowed, then the whole area would turn residential since it is quicker and easier to development than office/mixed-use. Rather than give that away, the City Council zoned the property OMU to protect it knowing that some residential will likely be needed to come into the OMU zone. **Eric Anderson** said 280 acres is a lot if it were all office use (that would be larger than downtown Salt Lake City), and that it would not be realistic for absorption rates. The City Council realized at the time that residential uses may come in, so a process was created through Section 140 and through the Development Agreement.

**Eric Anderson** said there are some things that need to be reviewed as they deviate from the standards of Chapter 18. One requirement is that buildings are to face a street, but most of the proposed townhome units would face a pedestrian walkway. Another deviation is regarding the building height. Since residential is not allowed in the OMU zone, there is no regulating on building uses and height, so the developer is seeking approval for the two and three-story units he is proposing. He said the applicant is also proposing a change to the Regulating Plan, which will be Item #7 on the agenda. **Eric Anderson** said the purpose of a development agreement is to allow for deviations, and the project master plan serves as an attachment to the agreement. He said the 3<sup>rd</sup> part of this item is the schematic plan for the subdivision. He said the project master plan also works for the schematic plan, but that there is more detail showing lot lines and dimensions. **Eric Anderson** again reiterated the 3 things being considered for this item are the Development Agreement, the Project Master Plan, and the schematic plan for the subdivision.

**Amy Shumway** asked if there will be an HOA for this area, and if a resident would own the inside walls. **David Petersen** said it is not like a condo where a condo agency owns the roof and a resident only owns the inside. He said the townhomes would be considered “stand-alone,” but still attached. The resident will also own the rooftop.

**Alex Leeman** asked if there is a deviation to allow for the front of the buildings to face green areas and walkways and have the garages on the backside of the buildings. **David Petersen** said yes, the applicant is trying to face the better side out toward the public realm, and spend money to make the home and landscaping look good. He said the alley ways where the garages will be located can easily be developed.

**Russ Workman** said that he understands the applicant is allowed a 4-story office building as part of the OMU zone. He asked if a story in office space is the same as a story in residential space. **David Petersen** said not all office buildings are equal, but that would be a question to ask the applicant.

**Ken Stuart**, 1305 N. 1700 W., said that they are commercial and industrial contractors. He said this property is located in the OMU zone, which allows for a 4-story structure on minor roads and a 6-story structure on major road. He said before they began planning, they met with City staff and felt a market study would be reasonable to complete. The market study showed that this area was too large for it to just be commercial use, which is where the recommendation for townhomes come in. He said the first proposal was for 110 townhome units, but it has decreased to 71 units. He said he recognizes some of the concerns from the neighbors on 350 E., including neighbors not wanting high 4-story buildings there. He said the area north of Haight Creek will have limited access from the freeway, so it would not work for commercial use. He said they chose to follow the recommendation from the planning firm, UDA, in proposing townhomes for this area. He said if this area was slated for commercial, they would push UDOT to create a larger interchange for Shepard Lanes similar to 3300 S. in Salt Lake. With regards to **Russ Workman's** question, he said office building stories are driven by the elevator in terms of minimum height. He said an office story can range from 13-14, so a 4-story office building would be about 60' and a 6-story office building would be about 90.' He said that is why he feels townhomes are considered moderate density, and a good transition for the area.

**Amy Shumway** asked if what is being proposed would be similar to Farmington Crossing, and asked if it would include a club house. **Ken Stuart** said this area would be too small. He said what they are proposing would have a similar look and feel to the Henry Walker Homes development.

**Alex Leeman** asked about plans for the Haight Creek. **Ken Stuart** said the Haight Creek is federally designated wetlands, and a trail cannot be proposed. He said the current trail there shouldn't be there because it wetlands. He said they have plans to build a trail above it. **Amy Shumway** asked if the trail will be paved. **Ken Stuart** said yes, some kind of asphalt paving will be included. **Amy Shumway** expressed her concern with "Puncture Vine" being located on some sections of Haight Creek causing many bike riders to stay away from it. She asked that the applicant consider removing it as they work to improve Haight Creek.

**Roger Child** asked how many townhome units per acre, and for the average size per unit. **Ken Stuart** said that they began with approximately 9 acres, but that 2 acres were purchased by Weber Basin, but that those acres will be used as open space in perpetuity. He said the 2-story units will be about 2,200 sq. ft. and the 3 story will be approximately 1,700 sq. ft.

**Russ Workman** asked about the view the west side residents will have looking toward the development's 3-story townhomes. **Ken Stuart** said the D&RG trail owns approximately 100' of easement, then there is an addition 70' easement, plus backyard space. He said it will be approximately 240-300' buffer. He said that he owns property that backs it, and plans to build a house there too.

**Russ Workman** asked if the Commission could require some kind of landscaping or large trees between the current homeowners and the development. He would like to see the trees closer to the homeowners in hopes that it would help hide the development. **Eric Anderson** said in the easement between the homeowners and the proposed development are two high-powered gas lines, and trees cannot be planted over it. **Alex Leeman** said those easements and D&RG further widens the setbacks.

**Roger Child** asked what Kaysville City's zoning is for the property around the project. **Ken Stuart** said it is zoned R120.

**Alex Leeman opened the public hearing at 8:30 p.m.**

**Lynette Elliott**, 1926 W. 950 N., said that she has lived in the area for many years, and that most of her questions regarding the size of phases, number of units, and height of the structures has been answered. She said her biggest question is with regards to the additional traffic a project like this will bring as it will be centered in a community of families with small kids. She said she feels it will compound with the problem of students from Kaysville driving to the new high school, which will impact the neighborhood significantly. She said her other question is with regards to the architecture of the townhomes, and if they will be compatible with the existing and new build homes for the area. She also asked how the City plans for water with all of the new developments, especially because there are already water restrictions in place. She said she understands Farmington is a unique and rural community. She said she wants to keep it rural, and does not want it overgrown, but that she understands why many people want to live here.

**Albert Whipple**, 220 E. 2200 S., Kaysville, asked if Kaysville City was aware of this development. He asked if Kaysville residents were made aware of it as well. **David Petersen** said Kaysville City staff are very aware of it. **Eric Anderson** also said notices for the public hearing went to every resident within a 300' radius of the property. He said the majority of letters mailed for this development went to Kaysville residents. **Albert Whipple** said he was just out of the mailing radius, but that he saw the sandwich board sign. He said that he has a lot of concerns about 350 S. road failing once the Kaysville students will be using it to get to the high school, and then with this new subdivision. He expressed concerns that Farmington City, and the developers, will not be fixing 350 S., and that it will just fail. He is also concerned that a traffic study may not address the increase of traffic from the high school. He said that he was also concerned that this subdivision will not have an amenities, and that the influx of residents will use the nearest park, which is a Kaysville park. He said he is concerned that what is shown on the plans for this development does not include the area around it, so the Commission cannot get the big picture of the area.

**Debbie Boyce**, 1157 N. Boynton, Kaysville, asked for further information about what is going to happen to Shepard Lane, and how it will all connect to I-15. **Alex Leeman** said Shepard Lane interchange is slated to be done in 2023. The future interchange will turn south, connect to 950 N., and then connect to the WDC. He said the current Shepard Lane will dead-end. **David Petersen** said the traffic on Shepard Lane will dramatically reduce. **Alex Leeman** said as the area continues to develop in the next 15-20 years, there will be a lot ore options for traffic to go south, which is what is included in the Regulating Plan. He said there may be some residential traffic in the area right now, but that eventually, there will be other preferred routes as traffic patterns change. **David Petersen** explained a few other proposed connector roads that the City is working on to help reduce traffic in the 350 S. area, and said the staff for Kaysville and Farmington cities are working closely together to create something that works well for both cities. He also explained that the City is collecting hard data on school peak times, number of cars, etc. to determine movement for the high school traffic. He also explained the different options for the future of Shepard Lane, but that there is not anything concrete at this point. **David Petersen** also pointed out that the nearest Kaysville and Farmington parks are equal distance from the proposed development. He said this development will also have the D&RG trail memorialized and that they have plans to expand the Legacy trail. He said there are lots of outdoor recreation near this development, as well as all the green space the developer is offering.

**Kyle Stowell**, 1764 Burke Lane, provided a brief history regarding the overall project from a resident's perspective. He said that he lives approximately ½ mile from this property. When the property was rezoned to OMU 5-6 years ago, there was a lot of resistance regarding the rezone during

the public hearing. He said he felt it was a constructive meeting, and that a lot of good suggestions came out of it. The first suggestion was that a buffer be included between the residential area and the proposed development. The second was a transition from the rail trail and single-family homes to high density and office space. It was also suggested that a tied approach be considered, which would bring the smaller buildings next to the trail and the single-family homes. He said that staff offered to put together a committee that would include those 3 provisions into the zone text. Somehow that committee was never put together, and those 3 provisions were never part of the zone text, and then it was too late. He said that he understands that development will keep happening, and that property owners have their rights. He said he recognizes this is going to happen. He said after the last meeting when the developer came before the Commission, he had a nice conversation with him, and appreciates that the developer has been great to work with regarding the concerns. He suggested a few minor modifications to the proposal. He said that he feels a true transition to single-family homes would be 2 story duplexes along the tracks, and then put 3 story buildings east of the duplexes to allow for a better transition and tiered approach. He said he feels staff has not listened to the residents; he said they have continually asked for 2-story homes, but every plan comes back with 3-stories. He said he is asking for the City to fulfill the promises it made when the City Council approved this property to be rezoned OMU.

**Ron Robinson**, 92 N. County Bend Rd., Chairman for the Farmington City Trails Committee, said that he appreciates that **Amy Shumway** has been selected as the new Planning Commission member. He said that he has seen the work of the developer in the past, and knows that it is quality work. He explained that the Haight Creek trail is one of the oldest trails in the City. He challenged the developer to ensure that trail stays intact, and possibly improved. He said he would like to see it memorialized to ensure the section down by the rails to trails is protected and not washed out. He said the trail then runs into the Hunters Creek development, and the Hunters Creek HOA would like to make that into a commons area. He said the Committee's only contingency is that the trail does not go down to the wetlands, but he said that he is in favor of the proposed commons area because it would act as a major artillery to connect all the trails. He said the trail will also split off to Shepard Creek, which UDOT has agreed to put in. He said that the connection at Haight Creek will connect all these trails. He also added that he has a motto to "get rid of puncture vines by 2020." He said his main concern that the Committee works so hard to get the trails approved; he wants assurance that it will remain. He said the Haight Creek is more of a nature trail that has been put together by a lot of Eagle Scout projects and the Trails Committee. He would like assurances from the developer that the trail will remain.

**John Stacey**, 341 E. 2300 S., Kaysville, expressed concern about losing the natural habitat of animals and pond. He asked that as much natural land be saved as possible. He said his other concern is regarding his autistic son. He said his son comes to visit regularly, and that although he is 230 lbs. and fully grown, he still runs like a 3-year-old. He expressed concern that the road is getting too busy. He would like to keep his street as a quiet, peaceful road that is safe for children.

**Lori Conniver**, 469 Quail Run Rd., said that she appreciates the job of the Planning Commission, as the Commission has to take into account everything looking forward. She said that she is concerned that development keeps coming, and that the City has lost its rural area. She expressed concern that there is additional strain with development coming in on things like infrastructure, water, police, etc. She said that she understands that the City cannot say no, but she feels bringing in more high density housing will bring more problems to the community. She asked that the Commission make the best decision for the community.

**Alex Leeman** closed the public hearing at 9:03 p.m.

**David Petersen** said the pond that Mr. Stacey referenced is filled with phragmites over the last few years. He said phragmites is almost everywhere in the county, and is a very invasive species. He said there are phragmites eradication experts that are making some headway against it, and perhaps as technology increases, it will finally be cleared out. He said it is lower in priority than puncture vine.

**Alex Leeman** said that he appreciates all the comments made by residents. He said that it is always hard for residents when farm lands is turned into residential or other development. He said the applicant has plans to maintain green space along the creek, although it has not yet been determined if it will remain wild or groomed open space. He said one of the difficult things with development is that it often comes in to areas that we love. He said many like to believe that the door closes to development after we move in; however, it is the City's responsibility to try to make the developments fit together into the community like a puzzle. He said it can be challenging to watch, and said that the Commission is always moved by the comments, even if there is not anything that can be done.

**Alex Leeman** said there were questions brought up about the development's infrastructure, water, irrigation, etc. He asked the applicant to speak regarding some of those questions. **Ken Stuart** said there was a comment about street improvements on 350 E. He said they have gone voluntarily to Kaysville City to pay to repave their contributed portion of 350 E. He said as far as sanitary sewer, it will come out to 350 N., and up Shepard Lane and down as part of the Central Davis Sewer District improvement. With regards to the potable water, 350 E. is under the jurisdiction of Kaysville City, he said they have to go south to an existing 12" water main that Farmington City has there, and then back to service fire hydrants and the culinary water. He said Stay Farmington owns the property of the proposed project, including Haight Creek, but **Ken Stuart** said he personally owns the 310' from that rail trail all the way to 950 N. He said he has agreed to dedicate that to the City for the trail. He said it was not him personally that said the trail was an illegal use, but the USACE came in and said it was illegal. **Ken Stuart** said they are all for the trail, and would love to embellish it and get rid of the phragmites, but that they are dealing with the USACE. He said when the phragmites are scooped out, it has to be immediately replaced, and to remove it permanently, chemicals must be used, but the chemicals would affect the water supply. He said it is an unfortunate situation that the phragmites is there, and they would love to do all they can to fix it prior to deeding it over to the City as a natural trail. He said they are on board with that, but the challenge is with the USACE. **Ken Stuart** said that as part of storm discharge, they can discharge into the Haight Creek, but that the water has to be filtered first. He said they have communicated with all the public entities, including Farmington City, the Davis County Flood Control, and Central Davis Sewer to connect with public entities in the area; all public entities are on board with it.

**Alex Leeman** said all the trails and the green space are addressed in the overall master plan. He said does not think a condition can be added to the motion without knowing a trail by the Haight Creek is legal. **Eric Anderson** said it would be appropriate to say the applicant shall provide a trail along Haight Creek, and if for whatever reason the USACE says no, then the USACE's decision will trump the condition to the motion. **Ken Stuart** said they are on board with that condition. **Alex Leeman** said that he would like the motion to state that a trail and trail access be preserved, and that during the next step of the approval process for this application that more information is provided on what is permissible with the trail, and what USACE will allow.

**Roger Child** said that he has a question regarding the residents on the west side of the D&RG right-of-way. He said that he knows there's a grade change from the east to the west side of the D&RG trail. He asked the applicant if he knows what the difference in the grade is. **Ken Stuart** said he does not know exactly. He said where the property forms the triangle point at 350 E. and D&RG, that is currently vacant ground. He said nothing will ever be built there because it is too small. He said the

houses on the northwest should not impact any of the view. He said the property owners that may have their view impacted are near the 2-story master on main homes. He said the adjacent property owners' homes are kind of down, and then there is a grade elevation that goes up about 12-15'. **Roger Child** said the reason he is asking about the grade elevation and the distance is because he is curious if the adjacent residents will be seeing the roofline, the top story, etc. **Ken Stuart** said he is unsure, but showed the location of the 3 most impacted properties, which are the Fishers, the Quists, and the Martins. He said those properties are due east of the 2 story homes, which is why they put the 2-story homes there.

**Amy Shumway** asked the applicant if they considered building duplexes or something else to scale back the density. **Ken Stuart** said that commercial is the permitted use, so proposing residential is scaling it back. He said they do not feel commercial is practical for this location; what was first proposed was an apartment complex, but they scaled it back from there. He said they then further scaled it back to 71 townhome units. He said they do not feel the numbers would work for them to scale it back even more.

**Amy Shumway** expressed concern that this proposed area near the Shepard Lane interchange is separate from the business park area, and may be better suited for a single-family residential. She is concerned having high density located there. She asked the applicant if he has plans for a playground or a small park? **Ken Stuart** said they sold 2 acres to Weber Basin, and that the property cannot have any structures with foundations. He said they could submit landscaping plans to Weber Basin, but they have to submit any plans to them for approval. He said they do have plans for public amenities along the green space strip, as well as additional green space scattered through the areas.

**Roger Child** asked what the distance this project is to the commuter train stop. **Ken Stuart** said it is approximately 2 miles. **David Petersen** said the City is working to bring the Legacy Trail up, so that would be an alternative for people to use to get to the train stop.

**Alex Leeman** said there are mostly two issues that are being considered. He said the first is the schematic plan approval, which is the layout of buildings, roads, etc. He said the second is the project master plan and development agreement. He said that residential is a special use allowed in Section 140 of the Zoning Ordinance, but standards for residential don't exist in the OMU zone because residential uses do not exist in that zone. **Alex Leeman** reviewed the proposed alternative development standards C-G of the development agreement. Including the townhomes fronting the pedestrian walkways, building heights not to exceed 3 stories, street widths, and more. He said the Commission needs to decide if its comfortable allowing 3-story buildings, and if the other standards are acceptable.

**Amy Shumway** asked how much parking will be allotted for guests throughout the project. **David Petersen** said additional parking will be addressed during the site plan.

**Russ Workman** said that he wanted the residents to know and to get the word out that the time to come out before the governing bodies is during the zoning process. He said once a property is zoned, then the property owner has property rights to develop within the requirements of the Ordinance. He said if a property is zoned for an office building, it is the property owner's right to demand an office building. He said he recognizes that residents want lower density in Farmington, but that the "battle line" has already been drawn when the property was zoned OMU. He said if the City does not want what is currently being proposed, the applicant has the right to build an office building.

**Alex Leeman** said that when a rezone application comes up, it first comes before the Planning Commission; a recommendation is then made to the City Council, and then the Council makes the final

zoning decision. He said it is the Planning Commissioners decision to analyze the application and decide if it is appropriate and good. He said with zoning comes certain rights. **Alex Leeman** said when the property was zoned OMU, office buildings are allowed to be built up to 4 stories on this specific section of road that is being discussed tonight. He said the Commission does not have the authority to deny the applicant from building 4-story office buildings. He said the Commission also does not have authority to only allow 2-story office buildings. **Alex Leeman** said the applicant does not want to build office buildings even though he can, but he is proposing residential. The Commission could say that it does not want the townhomes he is approving, and the applicant could come back with a 4-story office building proposal. **Alex Leeman** said that he does not think the applicant would handle it that way, but that still is the applicant's right to build 4-story office buildings. He also added that it is the applicant's right to determine what is economically viable for him with regards to what type of density.

**David Petersen** gave a history on why the City Council felt the OMU zone was appropriate for this area. He said years ago, the City was aware that Park Lane would fail because there are two diamond interchanges side by side. He said that is not found anywhere on the Wasatch Front. He said the traffic engineers that designed it told UDOT it will not be long before it fails. He said there are too many movements for the interchange to come close to capacity. Station Park is the City's tax base, and it will not do well if Park Lane fails. He said in addition to that, UDOT was planning at the time for the WDC Legacy North, which was supposed to leave the Park Lane intersection and head north through the property west of the freeway (now being considered for the business park). He said that was enough for the City Council to start doing some regional planning. He said the City worked with an engineering firm to design two side-by-side collector distributor roads that would help preserve the interchange.

**David Petersen** said right now the area surrounding Station Park has not yet been built out, and Park Lane is already difficult to cross. He said Woodside Homes owned some property in the area, and the City wanted to clear the path. He said Woodside Homes had a property right, and in order to get the swap of land, which the City now owns to dictate the regional land connection, the City granted the developer R4 which allows for higher density. He said Woodside Homes lost the property in the recession.

**David Petersen** said in the years leading up to the recession, the City experienced the Farmington Crossing subdivision. The Farmington Crossing subdivision was supposed to be a commercial mixed-use development, with half of the development commercial/office use. He said the whole development went residential housing, and the City could not stop it since the zoning was already granted and it allowed for residential uses.

**David Petersen** said after the recession, the City pulled back and said they do not want all apartments in the area west of I-15. He said it was then that the office park idea was proposed as a way to feed daytime population to Station Park, and still have a connection to preserve the interchange. He said the City went to the property owners, which was some group out of Illinois, to ask for what some people see as a downzone. He said the City asked the group if they would be willing to rezone the property to OMU, and mentioned that there would be no residential or multi-family residential component. He said the group said yes, so the City quickly rezoned the property.

**David Petersen** said at some point, Chartwell (now Stay Farmington) picked up the property. Stay Farmington now has a bundle of rights for office buildings between 4 to 6-stories tall. He said just as the City does not want a "sea" of apartments in the whole area, he said the City also does not want a "sea" of office buildings. He said office buildings can be viewed as an undesirable use because it is sterile and benign when people leave the area after work is over.

**David Petersen** said the City decided it wanted a mixed-use area that would be unique and would set Farmington apart that wouldn't be all multi-family or all office. He said the City is at a cross-roads; the developer is not ready to move forward on his office plans because the alignment and Shepard Lane interchange is not in yet. He said the developer is simply asking to start on this first area on his master plan. He said there are a lot of moving parts, and that is all goes back quite a few years.

There were concerns expressed by the residents concerning the water use of the development. **Alex Leeman** said this level of approval does not include those details yet. He said schematic plan is looking just at the layout of the project, and that level of details will be addressed at a future step. He assured the resident that no one will build anything that doesn't have water.

**Roger Child** said that he feels what is being discussed is a height versus coverage issue. He said there are arguments about this location to preserve view corridors, agricultural uses, open space, and wetlands. He said what he has gathered in the discussion is the preference to keep as much open space as possible, which means building more vertical. He said that he feels the developer is being as sensitive as he can providing a transitional housing project from the single-family homes to the multi-family residential. He said there will also be the added buffer from the D&RG trail, and gas line easements. He said the applicant is also providing a 2-story component in the project. He feels the applicant is doing his best to preserve as much view of the mountains as possible. **Roger Child** said he feels the 3-story component is preferred over higher coverage reference, and that 10 units per acres is considered lower density when comparing to a business park. He said he likes the idea of ownership versus rentals. He pointed out that the applicant could propose another Park Lane rental community. He likes the home ownership aspect, as there is pride in ownership, and more added value to the community than rental units. He said that he feels the applicant is being fairly sensitive to what the neighbors would like to see with the transitional housing he is proposing.

**Alex Leeman** said that he also feels townhomes is a general transitional density. He also feels the approximate 225' buffer of the D&RG trail and gas lines is appropriate. **Amy Shumway** asked why the 2 story buildings were located in the center of the project. **Ken Stuart** said they are higher priced townhomes with the master bedroom located on the main. He felt those could be higher priced units along the Haight Creek.

**Russ Workman** asked about the average number of vehicle trips this use would generate versus an office building. **Ken Stuart** said based on the traffic report included in the staff report, the street capacity on 350 E. is 13,350 automobiles per day. He said it currently has a capacity of 3,500. He said when this was analyzed, they were still proposing 110 townhome units. He said it increased by 581 cars per day, so 71 units that are currently being proposed would be around 400-425 cars per day. **Alex Leeman** also pointed out that residential trips are typically spread out during the day versus office building traffic is typically during peak times.

**Russ Workman** said that he likes what is being proposed more than an office building. **Amy Shumway** said that she also likes the for sale townhome units over rental units. She asked if there is a certain percentage that can only be rentals, or if it would just state it in an HOA. **David Petersen** said Garbett Homes had a development agreement and signed contract for no rentals; they later sued the City and won to allow for rentals.

**Motion:**

**Russ Workman** made a motion that the Planning Commission recommend that the City Council approve the schematic subdivision plan, as well as the development agreement and project master plan related thereto, subject to all applicable Farmington City development standards and ordinances, and a recommendation that the City Council require a good faith effort by the applicant to develop the trail, subject to the U.S. Army Corps of Engineers cooperation . **Roger Child** seconded the motion, which was unanimously approved.

Findings for Approval:

1. Development agreement allows for the applicant to deviate from the underlying standards of Chapter 18 that do not apply to this particular application.
2. The proposed North Station Project Master Plan was completed through a design charrette involving unanimous stakeholder consensus; Phase I is consistent with this global plan.
3. The stakeholders for the charrette included the majority of property owners within the project area, neighboring property owners to the project area, the City, the County, and Stay Farmington.
4. The Planning Commission has held a public hearing on multiple recommendations from the North Station Project Master Plan, including removing the large footprint building provision, and amending the regulating plan and related block size, and the Planning Commission after review of the application has unanimously recommended that the City Council approve the requested modifications to Chapter 18 of the Zoning Ordinance; Phase I is consistent with these amendments.
5. The proposed North Station Development Agreement and Project Master Plan is consistent with the stated intent and purpose of the Farmington City General Plan and Zoning Ordinance for this district; including a fine grained mix of uses such as office, retail, and residential, an emphasis on bringing activity to the street and enhancing walkability, placing parking to the rear of buildings, creating public spaces and nodes, enhancing open space and connectivity, providing a live/work/play environment, etc. ; Phase I is consistent with this global plan.
6. The proposed North Station Project Master Plan has a good balance of residential and retail that will support the primary office use, which is the overarching intent of the OMU zone; Phase I is consistent with this global plan.
7. The North Station PMP proposes a nuanced continuum of development intensity with lower intensity development to the west, higher intensity development in the middle and along major roads, and commercial along the freeway and arterial roads, such as Shepard Lane, Burke Lane, and 1100 West. The continuum of development intensity provides a buffer between existing residential neighborhoods to the west, and places the highest intensity development near the future Shepard Lane interchange and I-15 to the east; Phase I is consistent with this global plan.
8. The fine-grained mixture of uses proposed in the North Station Project Master Plan creates an office park that is unique to the State of Utah and will create a vibrant employment base for Davis County that fosters a live/work/play environment; Phase I is consistent with this global plan.
9. The proposed North Station Project Master Plan will help to diversify and balance the City's tax structure through expanding its commercial property tax base, instead of relying too heavily on residential property and commercial sales tax; ; Phase I is consistent with this global plan.

**ZONE TEXT AMENDMENT**

**Item #7. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of an amendment to Section 11-18-040 of the Zoning Ordinance regarding the Farmington City Mixed Use District Street Regulating Plan. (ZT-4-18)**

**Eric Anderson** said the Regulating Plan provides the City a guide for circulation and connectivity. He said it sets the City's block and street network, and is codified as part of Chapter 18. He said if a change is to be made to it, the change must be voted on. **Eric Anderson** said this item is related to the last item on the agenda. He showed the existing Regulating Plan, and how Shepard Lane dead-ends. He said that cannot work with the topography of the Haight Creek, so the proposed change is to move it to 350 E. in Kaysville. He said everything else would remain the same. He said staff is recommending approval of this zone text amendment.

The commissioners did not have any questions for staff at this time.

**Alex Leeman opened the public hearing at 9:54 p.m.**

**Albert Whipple**, 220 E. 2200 S., Kaysville, said he feels the drawing is misleading. He said what was previously proposed showed the road going into the Evans' property. He feels it would be easy to add another crossing for Shepard Lane over Haight Creek. Staff and Mr. Whipple discussed different options. Staff explained that another crossing over Haight Creek is not allowed, and that the topography of the ravine is too steep for a road to come down.

**Alex Leeman closed the public hearing at 9:59 p.m.**

There was no additional discussion on this item.

**Motion:**

**Amy Shumway** made a motion that the Planning Commission recommend that the City Council approve the proposed amendment to the Regulating Plan as set forth in the attached Exhibit "A". **Russ Workman** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The zone text amendment is consistent with the North Station Small Area Master Plan for the area, which is an adopted element of the City's General Plan.
2. The regulating plan and related amendments are consistent with North Station Phase I PMP application, which is currently under review by the City.
3. The Regulating Plan amendment is consistent with the intent of Chapter 18 of the Zoning Ordinance, and more specifically, the OMU zone.

**ADJOURNMENT**

**Motion:**

At 10:00 p.m., **Connie Deianni** made a motion to adjourn the meeting, which was unanimously approved.



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**Alex Leeman**  
Chair, Farmington City Planning Commission